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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/531,953

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EXAMINER

GOLIGHTLY, ERIC WAYNE

ART UNIT

PAPER NUMBER

1714

NOTIFICATION DATE

DELIVERY MODE

08/05/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/531,953	<b>Applicant(s)</b> HOSODA ET AL.	
	<b>Examiner</b> Eric Golightly	<b>Art Unit</b> 1714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 6-15 is/are pending in the application.
- 4a) Of the above claim(s) 6-15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. Applicants' amendment filed 5/24/2010 is acknowledged. Claims 1-3 and 6-15 are pending. Claims 6-15 are withdrawn. Claims 4 and 5 are cancelled.

#### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the phrase "in this condition" in lines 4 and 8 renders the claim indefinite because it is not clear what is meant by "this condition". It appears that the intended meaning may be: a) for the first occurrence of the phrase, i.e. in line 4, a condition wherein an elastic polishing member is pressed against a surface of a lens, and b) for the second occurrence, i.e. line 8, a condition wherein the elastic polishing member is in a position spaced from a position which the washing step is conducted in, and these meanings will be used for purposes of examination.

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 1714

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicants are advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 2001-353650 to Tabata et al (see machine translation and hereinafter "Tabata") and in view of EP 0764478 to Maekawa et al (hereinafter "Maekawa") and in further view of JP S64-23224 to Murakami et al (hereinafter "Murakami").

Art Unit: 1714

As to claim 1, Tabata discloses a scrubbing method to clean an optical component such as an optical lens form block (lens mold) (Page 2, Paragraph [0001]), where the lenses are made from plastic (Page 7, Paragraph [0026]). The method comprises a washing step of rotating the optical component while pressing an elastic polishing member against a surface of the optical component while rotating the polisher (Page 8, Paragraphs [0030]-[0032]). During this process, a liquid may be applied to wash the optical component, which is understood to be supplied to the area between the surface of the optical component and the elastic polishing member (Page 9, Paragraph [0035]; Figure 1). Tabata teaches that the liquid may be water (Page 9, Paragraph [0035]).

Tabata discloses that the pressure in the elastic polishing member may be adjusted to change the shape of the polisher, so it is understood to be deformable (Page 7, Paragraph [0024]). Tabata is silent regarding a self-washing step of rotating the elastic polishing member in a position spaced from a position which said washing step is conducted in, and supplying the same liquid used in the washing step to the elastic polishing member and in this condition, deforming the elastic polishing member by pressing the elastic polishing member against a rod-like or hollow cylindrical pressing unit so as to thereby wash the polishing unit, wherein the washing and self-washing are performed alternately. Maekawa discloses a self-washing step of rotating a cleaning member comprising a layer of sponge (i.e. elastic polishing member) wound around a cleaning roller, in a position spaced from a position in which said washing step is conducted, supplying a liquid to the cleaning member and in this condition deforming

Art Unit: 1714

the cleaning member by pressing the elastic polishing member against a hollow pressing unit (Fig. 5, ref. 24 and 29 and paragraphs [0047] and [0048]) in order to wash the cleaning member (Col. 8, lines 5-10, 37-59; Col. 9, lines 1-13). Maekawa teaches that the liquid used in the self-washing step may be water (Col. 7, lines 28-32), which is the same liquid used in the washing step of Tabata (Tabata at Page 9, Paragraph [0035]). Maekawa teaches that the self-washing step is performed after the washing step is conducted, meaning that they are conducted alternately (Col. 8, lines 37-59). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method taught by Tabata to include a self-washing step as taught by Maekawa for the benefit of removing contamination that comes to adhere to the surface of a cleaning body during a cleaning process, thereby increasing the cleaning effect and prolonging the service life of the cleaning body (Col. 2, lines 29-35; Col. 9, lines 6-13). It would have been obvious to one of ordinary skill in the art at the time of the invention to perform the self-washing step in a spaced apart position to prevent the lens mold from being recontaminated by the self-washing step.

Tabata and Maekawa disclose using a hollow pressing unit that is a rectangular prism rather than cylindrical (Maekawa at Fig. 5, ref. 24 and 29 and paragraph [0046]). The skilled artisan would have found it a matter of obvious choice to use a hollow pressing unit that is cylindrical in shape rather than a rectangular prism. MPEP 2144.04(IV)(B).

As to claims 2, Tabata and Maekawa further disclose that the liquid may be a slurry containing an abrasive dispersed in water (Tabata at Page 9, Paragraph [0035]).

Art Unit: 1714

While the combination of Tabata and Maekawa does not expressly disclose using this liquid for the self-washing step, it would have been obvious to one of ordinary skill in the art at the time of the invention to use a slurry containing an abrasive dispersed in water for the cleaning liquid in the self-cleaning step for the benefit of enhancing the self-washing process.

As to claim 3, Tabata and Maekawa further discloses that the liquid may be water (Tabata at Page 9, Paragraph [0035]) and Maekawa at Col. 7, lines 28-32).

### ***Response to Amendment***

8. The objection to the specification, the rejections under 35 USC 112, second paragraph, and the rejections of claims 4 and 5 under 35 USC 103(a) in the prior Office action are withdrawn in view of the amendment. New rejections under 35 USC 112, second paragraph, are made herein as discussed above in the section "Claim Rejections - 35 USC § 112".

### ***Response to Arguments***

9. Applicants' arguments, see remarks filed 5/24/2010, with respect to the rejection(s) of claim(s) 1, 2 and 3 under 35 USC 103(a) in view of JP S64-23224 to Murakami et al. have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Maekawa (EP 0764478).

***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Golightly whose telephone number is (571) 270-3715. The examiner can normally be reached on Monday to Thursday, 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Kornakov can be reached on (571) 272-1303. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EWG  
/Michael Kornakov/  
Supervisory Patent Examiner, Art Unit 1714

Application/Control Number: 10/531,953  
Art Unit: 1714

Page 8